

Wright-Patterson Air Force Base  
Memorandum of Understanding for the Protection of the City of Dayton Wellfields  
Contact: Lee Drumond/Dusty Hall  
City of Dayton, Ohio  
(513)443-3734  
MOU Ordinance  
Adopted: 1990

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF DAYTON  
AND  
WRIGHT-PATTERSON AIR FORCE BASE  
FOR THE PROTECTION OF THE CITY OF  
DAYTON WELL FIELDS

WHEREAS~ the ground water in the aquifer underlying the miami Valley. the City of Dayton (City). and Wright-Patterson Air Force Base (WPAFB) is the primary source of regional drinking water and is a sensitive natural resource; and

WHEREAS, the City and WPAFB desire to assume and maintain a leadership role in the protection of regional drinking water resources through their own rational and objective efforts and in cooperation with area local governments and state and federal agencies; and

WHEREAS, the safety and potability of the area water supply~requires that lands proximate to the City's well fields be subject to restrictions designed to prevent the introduction of hazardous substances into the public water supply; and

WHEREAS, the City recognizes the current programs at WPAFB which will add to the protection of the City's well field including. (1) an active Underground Storage Tank (UST) evaluation and upgrade program; (2) an active waste minimization program; (3) an active Installation Restoration Program; and (4) development of a wellhead protection program; and

WHEREAS, implementation of this agreement is a significant component in establishing an areawide groundwater protection strategy:

NOW, THEREFORE, BE IT RESOLVED THAT;

A. The City and WPAFB will consult and cooperate as needed to protect the City of Dayton well fields.

B. The City and WPAFB will coordinate their individual efforts to develop data bases, maps, and assessments related to the Great Miami aquifer system, so that their end products can

be complimentary tools for improved protection of the aquifer system as a whole.

C. WPAFB agree: to inform the City of Dayton of long range plan: for the portion of the base within the one-year capture area. The one-year capture area is delineated on the attached map (Appendix 1) and is similarly delineated on the official Base Comprehensive Plan (BCP) for WFAFB and the Ground Water Protection Districts Map for the City of Dayton, Ohio. Any new development and/or significant construction within this area will be processed through the existing Interagency Intergovernmental Coordination of Environmental Programs (Air Force Regulation 19-9).

D. VPAFB agrees to use its best efforts to insure proper storage, handling, use and/or production of regulated substances (see Appendix 2 for definitions) within that portion of the one-year capture area under jurisdictional control of VPAFB in order to prevent the introduction of these substances into the Great Miami aquifer system.

E. VPAFB agrees to use best management practices in the application of lawn, tree and shrub care chemicals used in routine turf and woody plant management within that portion of the one-year capture area under jurisdictional control of VPAFB and to apply such chemicals in accordance with label directions.

F. Contamination from past activities involving hazardous substances will be investigated through VPAFB's Office of Environmental Management, primarily through the Installation Restoration Program (IRP), and/or the Ohio Administrative Orders on Consent.

(1) The City will be notified of all results of on-going investigations of IRP sites through the IRP's Technical Review Committee on which the City has a representative. Should it be determined during the Remedial Investigation/Feasibility Study (RI/VS) that there is contaminant migration moving within or toward the one-year capture area, the site(s) from which the contaminants are emigrating will be reevaluated under the IRP as to its priority for remediation.

(2) Any new discovery of a potential hazardous waste site will be described in a Preliminary Assessment (PA) under the IRP and the site will be identified on the BCP and may undergo RI/VS. If such site is within the one-year capture area the City will be provided a copy of the PA and any future information obtained while investigating such site.

G. Any future spill, leak, or discharge of regulated substances within that portion of the one-year capture area under jurisdictional control of VPAFB, if determined by VPAFB's Office of Environmental Management to present a potential source of contamination to the aquifer, will be reported to the City. Such spills will be reported as soon as possible but no later than 24 hours after occurrence and will include, at a minimum, the location of the incident, date and time thereof, type of substance(s), concentration and volume, control or corrective action taken, and office or person to contact and telephone number. VPAFB agrees to document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spill, leak, or discharge as soon as practicable.

H. WPAFB agrees to control the land use within the one-year capture area under its jurisdiction and will not site any regulated substance storage facility or landfill within this area.

I. No storage of regulated substances, with the exception of petroleum products and waste petroleum products, may occur in underground tank systems within the one-year capture area under jurisdictional control of WPAFE.

(1) Underground storage tanks for petroleum products and petroleum wastes will comply with current underground storage tank regulations and will be monitored in accordance with methods approved by the Director, Office of Environmental Management, WPAFB, and the Ohio State Fire Marshal. If feasible, within five (5) years from the effective date of this MOU all underground storage tanks located within the one year capture zone will be secondarily contained and monitored.

(2) A replacement for an underground storage tank will not exceed the capacity of the existing tank~ nor will additional underground storage tanks that are not replacements for existing tanks be installed, unless much additional capacity for petroleum products/wastes is demonstrated to be essential to the Air Force mission and determined after review by WPAFB's Office of Environmental Management to be the least threat to groundwater quality of the available options, and upon institution of mitigating measures to reduce the level of risk. All new and replacement tanks will at a minimum be double-walled with interstitial monitoring and will meet the above requirements for monitoring and compliance with current regulations.

J. WPAFB agrees to limit the storage and use of regulated substances within the one-year capture area to the limited exclusions detailed in Appendix 3, except for existing, nonconforming facilities.

(1) Any facility within the one-year capture area may store and use regulated substances provided that the quantity (maximum on hand and annual use) of regulated substance, does not exceed the thresholds established in Appendix 3, and that these regulated substances do not substantially increase any risks or hazards to the public health or water supply, wells, or well fields. Existing, nonconforming facilities~ i.e. those which currently maintain an inventory of regulated substances greater than the thresholds listed in Appendix 3, will be allowed to continue to operate at their current level of use.

(2) Expansion of facilities beyond the limited exclusion thresholds in Appendix 3, or beyond the current regulated substance usages of nonconforming facilities, may be exceeded only if it is demonstrated to be essential to the Air Force mission and determined after review by the WPAFB Office of Environmental Management to be the least threat to groundwater quality of the available options, and upon institution of mitigating measures to reduce the level of risk. A copy of any such finding will be submitted to the City of Dayton Water Dept. The table titled "Contaminant Hazard Potential Ranking Classified by Type" (Appendix 4, excerpted from City of Dayton ordinance 130.620) will be used to evaluate the intensity of risk from the aggregate chemical inventory of each facility.

K. WPAFB agrees to file a regulated substance activity and inventory report on those facilities within the one-year capture area with the Director~ City of Dayton Water Department. This report shall be filed within one hundred eighty (180) days of the effective date of this MOU and at twenty-four (24) month intervals thereafter. The "Inventory Reporting Form" is shown in Appendix 3. Operations and materials classified for national security purposes may be excluded from detailed reporting, although the presence of the facility and its classification will be acknowledged.

L. The definition of regulated substance is broad and will include some chemicals which do not pose a threat of groundwater or public water supply contamination.

(1) The City has developed a mechanism through the City's Environmental Advisory Board for review and deregulation of chemicals which are not a threat to groundwater but which by definition qualify as regulated substances. The City will maintain a list of all exempted chemicals and supply this information to WPAFB.

(2) Facilities at WPAFB may request exemption of chemicals from regulation and reporting by submitting a request to WPAFB's Office of Environmental Management. The Office of Environmental Management will review the request and, if found to be valid, will submit to the City a written technical justification of the exemption. The City will also add the exempted chemical to their list if approved by the City's Environmental Advisory Board.

M. The City may request an on-site visit to evaluate the potential risk of a facility. Such a visit will be arranged through WPAFB's Office of Environmental Management and WPAFB may restrict visits from those facilities that are secured. Persons representing the City will be citizens of the United States of America. WPAFB reserves the right to accept or reject individual representatives. All visitors will be accompanied by personnel from the Office of Environmental Management and will be subject to all WPAVS rules and regulations governing visitors.

N. When considering the provisions of this memorandum, the City and WPAFB will use their best efforts to ensure that the public water supply is reasonably and adequately protected from contamination for the present and the future. Both entities will make every reasonable effort to coordinate and act in concert with each other's water field protection efforts to safeguard the area's potable water supply against contamination. Resolution of any problem situations will be the responsibility of the Director, City of Dayton Water Department, and Director, WPAFB Office of Environmental Management, or their designees.

O. During times of declared war or national emergency, or if determined by the WPAFB Commander to be essential to the WPAFB mission, provisions of this MOU may be voided. In such a contingency, WPAFB shall notify the city in writing within 30 days, setting forth its rationale for the decision.

P. This agreement is effective upon the last date of signatories hereto. It will be reviewed every five years, or more frequently if requested in writing by either party 90 days prior to anniversary date to determine whether it should be continued, revised or terminated. If no change

is required. review must be documented in writing and attached to basic MOU.

2 ' JUL 1990

Base Commander, Wright-Patterson Air Force Base  
Dayton. Ohio City Manager